

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAFAEL DIAZ ROSADO,
Plaintiff

v.

NICHOLAS FIGGE, York City
Police Officer; YORK CITY
POLICE DEPARTMENT &
THE CITY OF YORK,
Defendants

No. 3:15cv275

(Judge Munley)

:(Magistrate Judge Mehalchick)

ORDER

AND NOW, to wit, this 14th day of July 2015, we have before us for disposition Magistrate Judge Karoline Mehalchick's report and recommendation, regarding the initial screening of Plaintiff Rafael Diaz Rosado's *pro se* prisoner civil rights complaint. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report

and recommendation. It is hereby **ORDERED** as follows:

1) The magistrate judge's report and recommendation (Doc. 8) is **ADOPTED**;

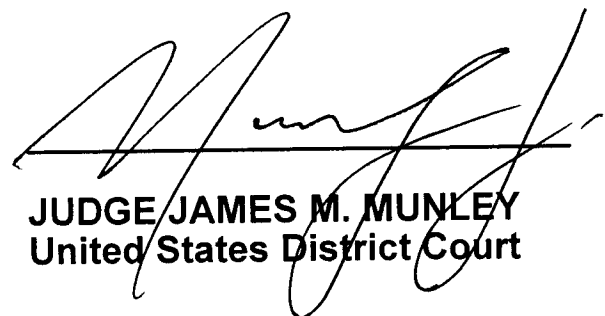
2) Plaintiff's claims against Officer Figge are **DISMISSED without prejudice** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2);

3) Plaintiff's claims against York City are **DISMISSED without prejudice** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2);

4) Plaintiff's claims against Defendant York City Police Department are **DISMISSED** with prejudice, and the Clerk of Court is directed to terminate this defendant from the case; and

5) Plaintiff is allowed thirty (30) days to file an amended complaint against the remaining defendants in accordance with Rule 8(d)(1) of the Federal Rules of Civil Procedure. Failure to file a timely amended complaint will result in dismissal of this action.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court